



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-42554-2024

Reserved on: 10th March, 2025

Pronounced on: 18th March, 2025

Soma Devi @ Suman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Himani Anand, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 308 dated 31.10.2023 registered under Sections 302, 201, 120-B read with Section 34 of IPC at Police Station Cheeka, District Kaithal, Haryana.

2. As per the prosecution case, Vandana Sharma, daughter of the complainant had gone missing from her house on 31.10.2023 and did not return. On complaint of the complainant, initially, a case under Section 346 of IPC was registered. Her dead body was recovered from Nayagaon area subsequently. The complainant raised suspicion against some persons namely Rajan, Sanju and Happy @ Kala.

3. As per the further allegations, on 09.11.2023, witness Naib



Singh, Sarpanch of village Birath Teh informed the police that the present petitioner and her husband Gopal Sharma, who were paternal aunt and uncle (*Chachi* and *Chacha* respectively) and were well acquainted with him, had come to him on the same morning and informed him that on 31.10.2023, they had made the victim consume water mixed with sleeping pills and celphas tablets and had killed her and had thrown her dead body in some pit near road of the village. The motive as disclosed by them for doing so was that the deceased was having an affair with one Happy and had eloped with him sometime back and was still insisting to marry the said Happy due to which the entire family was under stress. The petitioner and co-accused were formally arrested. They were interrogated and suffered disclosure statements admitting their involvement in the murder of the victim. Investigation has since been completed.

4. It is also argued by learned counsel for the petitioner that she has been falsely implicated in this case. There is no direct evidence to the murder of the victim by her. She did not suffer any extra judicial confession before Naib Singh. The disclosure statement allegedly suffered by herself and co-accused are not admissible in evidence and cannot be taken into consideration. The CCTV footage of Sheetal Filling Station from where the petitioner had allegedly got filled the fuel of 31.10.2023, does not establish her presence there. The witness Naib Singh has not supported the prosecution version and has turned hostile. Even the owner of the Sheetal Filling Station, while appearing as PW-3 has not established the identity of the petitioner. The complainant and other material witnesses have since been examined. There are no chances of his intimidating the witnesses. Trial is



likely to take time. Her further detention would not serve any useful purpose. She is in custody since long. Therefore, it is urged that she deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that keeping in view the allegations as levelled against the petitioner, she does not deserve to be released on bail. Accordingly, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner has placed on record Annexure P-6 copy of sworn testimony of PW-2 Naib Singh as recorded before the learned trial Court, which shows that he did not support the prosecution version at all and stated that he neither knew the petitioner or the co-accused nor they had made any extra judicial confession before him. Annexure P-7 is copy of sworn deposition of PW-3 Supervisor of Sheetal Filling Station. As per the prosecution case, the petitioner along with the co-accused Gopal Sharma had taken the victim in a car and while on the way, had got filled fuel from the aforementioned petrol pump. However, from the testimony of PW-3, it is not revealed that the petitioner had come to the above named petrol pump and identified as such. Keeping in view the nature of the evidence led by PW-2 Naib Singh, the period of incarceration of the petitioner, the fact that there is no direct evidence to the murder of the victim and it is also debatable as to whether, any other circumstance exist to connect the petitioner with the subject crime, I am of the considered opinion that the petitioner deserves to



be released on bail at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*